

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)  
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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

MI22-2341

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Application Number

10/611,602

Filed

June 30, 2003

First Named Inventor

Michael J. Hermes

Art Unit

2812

Examiner

Pompey, Ron Everett

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the


☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 48,711

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

  
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May 10, 2006

Date

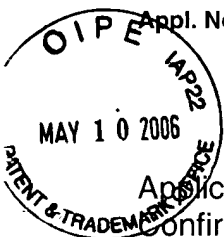
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".

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Appl. No. 10/611,602

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. .... 10/611,602  
Confirmation No. .... 6154  
Filing Date ..... June 30, 2003  
Inventor ..... Michael J. Hermes et al.  
Assignee ..... Micron Technology, Inc.  
Group Art Unit ..... 2812  
Examiner ..... Pompey, Ron Everett  
Attorney's Docket No. .... MI22-2341  
Customer No. .... 021567  
Title: Semiconductor Processing Methods of Forming Dynamic Random Access Memory (DRAM)  
Circuitry

**PRE-APPEAL BRIEF**

Applicant requests review of the rejection of claims 44-49 under 35 U.S.C. § 103 as being obvious over a combination of Dennison (U.S. Patent No. 5,292,677) and Arima (U.S. Patent No. 5,612,241).

Claims 44-49 stand rejected over Dennison in view of Arima. Claim 49 recites methodology comprising forming a conductive material over portions of some conductive lines within a peripheral area, forming openings through an insulative material to expose the conductive material within the peripheral area, and forming a storage capacitor electrode layer within the openings. Claim 44 additionally recites entirely removing the storage capacitor electrode layer and at least some of the conductive material received over conductive lines within the peripheral area. As acknowledged by the Examiner at page 3 of the present action and in previous actions, Dennison fails to disclose or suggest the recited conductive material received over portions of some of the conductive lines within the peripheral area. Arima is relied upon as disclosing conductive material received over portions of conductive lines within the peripheral area with reliance upon Fig. 3C and column 6, lines 52-61 of the Arima disclosure. The Examiner contends that it would be obvious to combine Arima and Dennison "because the conductive plug will provide better electrical contact to the memory device and peripheral devices" (present action at page 4).

As set forth in applicant's response dated December 29, 2005 at page 6, lines 11-17, the combination of Arima and Dennison fails to disclose or suggest the recited formation and subsequent removal of conductive material over conductive lines in the peripheral area and therefore does not disclose or suggest each and every element of the claim. As further set forth in the response of December 29, 2005 the combination of Arima and Dennison fails to provide motivation for modification as set forth by the Examiner. As discussed in the response at page 6, line 18 through page 7 in its entirety, conclusory statements are insufficient to support a *prima facie* case of obviousness. In response to such argument the Examiner indicates that motivation for a conductive plug is derived from the Arima disclosure which indicates a good connection "even if the diffusion width of the source-drain regions 33a and 33b is made small". However, it is noted that the present claim is a method claim and motivation for the recited methodology is not addressed by the Examiner other than with conclusory statements regarding conductive plug formation. Further, as more fully set forth in applicant's previous response at page 7, second paragraph, none of the Examiner's statements address motivation for the recited formation and subsequent removal of conductive material in the peripheral area over the conductive lines as recited in claim 44.

Since the combined Dennison and Arima references fail to disclose or suggest each and every element in claim 44 and further fail to provide motivation for modification, a *prima facie* case of obviousness has not been established regarding claim 44. Therefore, claim 44 is allowable over the art of record.

Dependent claims 45-49 are allowable over Dennison and Arima for at least the reason that they depend from allowable base claim 44.

Since the Examiner's maintained rejection of claims 44-49 is believed to be clearly erroneous, review of such maintained rejection is respectfully requested.

Respectfully submitted,

Dated: May 9, 2006

By: Jennifer J. Taylor  
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